

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

THOMAS L. SPADE,)	
)	
Claimant,)	IC 99-035789
)	
v.)	ORDER
)	
STATE OF IDAHO, INDUSTRIAL)	Filed
SPECIAL INDEMNITY FUND,)	December 29, 2004
)	
Defendant.)	
_____)	

Pursuant to Idaho Code § 72-717, Referee Robert D. Barclay submitted the record in the above-entitled matter, together with his findings of fact and conclusions of law to the members of the Idaho Industrial Commission for their review. Each of the undersigned Commissioners has reviewed the record and the recommendation of the Referee. The Commission concurs with the recommendation. Therefore, the Commission approves, confirms, and adopts the Referee's proposed findings of fact and conclusions of law as its own.

Based upon the foregoing reasons, IT IS HEREBY ORDERED That:

1. Claimant is not 100% totally and permanently disabled.
2. Claimant is not totally and permanently disabled under the "odd-lot" doctrine.
3. ISIF is not liable to Claimant under Idaho Code § 72-332.
4. The question of apportionment under the *Carey* formula is moot.
5. Pursuant to Idaho Code § 72-718, this decision is final and conclusive as to the

matters adjudicated.

DATED This 29th day of December, 2004.

INDUSTRIAL COMMISSION

/s/
R. D. Maynard, Chairman

/s/
Thomas E. Limbaugh, Commissioner

/s/
James F. Kile, Commissioner

ATTEST:

/s/
Assistant Commission Secretary

CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of December, 2004, a true and correct copy of the foregoing **Order** was served by regular United States Mail upon each of the following:

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kkrr

/s/